

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

TWELFTH LEGISLATIVE DAY
FRIDAY, JANUARY 22, 2010

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Bock, Malepeai, Mortimer, and Siddoway, absent and formally excused by the Chair; and Senator LeFavour, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Danni Petersen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 21, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 113 BY MCGEE

A CONCURRENT RESOLUTION
COMMENDING THE IDAHO CHILDREN AND NATURE NETWORK FOR ITS SUCCESS IN RAISING AWARENESS ABOUT THE IMPORTANCE OF CHILDREN ESTABLISHING A MEANINGFUL AND LASTING BOND WITH THE GREAT OUTDOORS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, children today are far less likely than past generations to spend time outdoors; and

WHEREAS, a growing body of research indicates that children pay a high physical, mental and emotional price for inactivity resulting in increased childhood obesity, depression,

inattentiveness, diminished creativity and, what author Richard Louv has dubbed, "nature deficit disorder"; and

WHEREAS, outdoor activities contribute to the physical well-being and happiness of the people of the state; and

WHEREAS, resource stewardship is not possible without a strong sense of connection to the natural world that promotes a sense of place; and

WHEREAS, Idaho recognizes the troubling trend of disconnection called "natural deficit," where children spend on average seven and one-half hours each day engaged in electronic media such as video games and television, and are spending half as much time outdoors as they did just 20 years ago; and

WHEREAS, Idaho is committed to finding solutions to reverse the "natural deficit" trend in Idaho by reconnecting children to the great outdoors through outdoor youth programming, opportunities for recreation on public lands and environmental and natural resource education; and

WHEREAS, the "Be Outside - Idaho Children in Nature" initiative is a cooperative effort of state, federal and private partnerships throughout Idaho whose network mission is to: "Connect children with nature in Idaho, from backyards to mountaintops"; and

WHEREAS, www.beoutsideidaho.org is a comprehensive resource Idahoans can utilize to post and access outdoor activities and events to encourage outdoor activity for Idaho's youth.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize the efforts of the Idaho Children and Nature Network for its success in generating awareness about the importance of encouraging Idaho children to find a sense of place, reconnect with nature and be outside with the initiative "Be Outside - Idaho Children in Nature" and we invite citizens to take advantage of the many opportunities our state offers for family outdoor recreational activities.

SCR 114

BY SCHROEDER

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE PUBLIC HEALTH DISTRICTS RELATING TO RULES OF IDAHO PUBLIC HEALTH DISTRICT NO. 1.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Public Health Districts relating to Rules of Idaho Public Health District No. 1 is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 41.01.01, Rules of Idaho Public Health District No. 1, Section 100, Water Quality Control, Subsection 06.c, the last two sentences, only, a final rule, be, and the same is hereby rejected and declared null, void and of no force and effect.

[SCR 113](#) and [SCR 114](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 22, 2010

The JUDICIARY AND RULES Committee reports that [S 1261](#), [S 1262](#), [S 1263](#), [S 1264](#), [S 1265](#), [S 1266](#), and [S 1267](#) have been correctly printed.

DARRINGTON, Chairman

[S 1261](#), [S 1262](#), and [S 1263](#) were referred to the State Affairs Committee.

[S 1264](#) was referred to the Transportation Committee.

[S 1265](#) and [S 1266](#) were referred to the Resources and Environment Committee.

[S 1267](#) was referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator LeFavour was recorded present at this order of business.

S 1268

BY FINANCE COMMITTEE

AN ACT

RELATING TO APPROPRIATIONS AND TRANSFERS OF FUNDS; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE FIRE SUPPRESSION DEFICIENCY FUND; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE PEST CONTROL DEFICIENCY FUND; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE LIVESTOCK DISEASE DEFICIENCY FUND; PROVIDING AN APPROPRIATION AND A TRANSFER OF FUNDS TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE FUND; AND DECLARING AN EMERGENCY.

S 1269

BY SCHROEDER

AN ACT

RELATING TO INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-3726, 33-3727, 33-3728, 33-3729, 33-3730 AND 33-3731, IDAHO CODE, TO PROVIDE FOR A NEGOTIATION AGREEMENT, TO DEFINE TERMS, TO PROVIDE FOR NEGOTIATIONS, TO PROVIDE FOR THE APPOINTMENT OF MEDIATORS AND FOR COMPENSATION, TO PROVIDE FOR THE APPOINTMENT OF FACT-FINDERS AND FOR A REPORT AND TO PROVIDE FOR RESERVED POWERS, DUTIES AND RESPONSIBILITIES.

S 1270

BY WINDER

AN ACT

RELATING TO ABORTION AND CONTRACEPTIVES; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-611, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FREEDOM OF

CONSCIENCE FOR HEALTH CARE PROFESSIONALS, TO PROVIDE IMMUNITY FROM LIABILITY, TO PROVIDE AN EXCEPTION AND TO PROHIBIT DISCRIMINATION? AND PROVIDING SEVERABILITY.

S 1271

BY MCGEE

AN ACT

RELATING TO EMPLOYMENT; PROVIDING LEGISLATIVE FINDINGS; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE PROVISIONS PROHIBITING THE USE OF CERTAIN FALSE DOCUMENTATION TO GAIN EMPLOYMENT, TO PROVIDE PENALTIES, TO PROHIBIT THE DESTRUCTION, ALTERATION, FALSIFICATION OR THEFT OF CERTAIN PUBLIC DOCUMENTS TO ASSIST A PERSON TO BECOME AN EMPLOYEE, TO PROHIBIT THE MANUFACTURE OF FALSE IDENTIFICATION TO ASSIST A PERSON TO BECOME AN EMPLOYEE, TO PROVIDE PENALTIES, TO PROVIDE THAT AN EMPLOYER SHALL NOT HIRE AN EMPLOYEE IN CERTAIN CIRCUMSTANCES, TO PROVIDE FOR AN ACTION, TO PROVIDE PENALTIES, TO PROVIDE FOR AN EXCEPTION AND TO PROVIDE THAT AN EMPLOYER SHALL NOT BE REQUIRED TO ACT IN CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

S 1272

BY BROADSWORD

AN ACT

RELATING TO INSURANCE; AMENDING SECTIONS 41-1846 AND 41-3915, IDAHO CODE, TO REQUIRE CERTAIN INSURERS AND ORGANIZATIONS TO PROVIDE COVERAGE FOR CHEMOTHERAPY TREATMENT AS A MAJOR MEDICAL CLAIM; AND DECLARING AN EMERGENCY.

S 1273

BY KELLY, WERK, MALEPEAI, BILYEU, LEFAVOUR, BOCK, STENNETT

AN ACT

RELATING TO RENEWABLE ENERGY PROJECTS; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR AN EXPEDITED PERMITTING AND APPROVAL PROCESS, TO PROVIDE CONSTRUCTION STANDARDS, TO PROVIDE FOR PUBLIC WORKSHOPS AND EFFECT OF THE CHAPTER; DECLARING AN EMERGENCY, PROVIDING A SUNSET DATE AND PROVIDING APPLICATION.

S 1274

BY KELLY, WERK, MALEPEAI, BILYEU, BOCK, STENNETT

AN ACT

RELATING TO A STATE JOBS COUNCIL; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-830, IDAHO CODE, TO CREATE A JOBS COUNCIL IN THE OFFICE OF THE GOVERNOR AND TO PROVIDE DUTIES; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

S 1275

**BY KELLY, WERK, MALEPEAI, BILYEU, LEFAVOUR,
BOCK, STENNETT**
AN ACT

RELATING TO THE IDAHO HOMEGROWN BUSINESS AND JOBS ACT; PROVIDING A SHORT TITLE; AMENDING SECTION 67-4703, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES TO THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF LABOR; AND DECLARING AN EMERGENCY.

S 1276

BY WERK AND KELLY
AN ACT

RELATING TO HIGHWAY DISTRICTS; TO PROVIDE A SHORT TITLE; AMENDING SECTION 40-1401, IDAHO CODE, TO PROVIDE THAT EACH COUNTY SHALL BE SERVED BY ONE COUNTYWIDE HIGHWAY DISTRICT AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 40-1403, IDAHO CODE, RELATING TO REJECTION OF PLAN AND INTERVALS FOR NEW ELECTIONS; AMENDING SECTION 40-1404, IDAHO CODE, TO DELETE THE REQUIREMENT OF A VOTE; AMENDING SECTION 40-1404A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1407, IDAHO CODE, TO REVISE DISSOLUTION PROCEDURES; AMENDING SECTION 40-1410, IDAHO CODE, TO REVISE PROVISIONS FOR TRANSFER OF PROPERTY AND ASSETS AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING CHAPTER 17, TITLE 40, IDAHO CODE, RELATING TO COUNTY HIGHWAY REORGANIZATION.

S 1277

**BY WERK, KELLY, MALEPEAI, BILYEU, LEFAVOUR,
BOCK, STENNETT**
AN ACT

RELATING TO TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3089, IDAHO CODE, TO PROVIDE FOR EXPIRATION OF INCOME TAX DEDUCTIONS AND CREDITS UNLESS EXTENDED BY STATUTE AND TO PROVIDE FOR EXPIRATION OF EXTENDED OR NEWLY ENACTED DEDUCTIONS OR CREDITS; AND AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE FOR EXPIRATION OF SALES AND USE TAX EXEMPTIONS UNLESS EXTENDED BY STATUTE AND TO PROVIDE FOR EXPIRATION OF EXTENDED OR NEWLY ENACTED EXEMPTIONS.

S 1278

BY WERK, MALEPEAI, STENNETT
AN ACT

RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; PROVIDING A SHORT TITLE; AMENDING SECTION 33-107, IDAHO CODE, TO EXPAND THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2804, IDAHO CODE, TO EXPAND THE POWERS AND DUTIES OF THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND TO MAKE

TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1279

BY WERK AND MALEPEAI
AN ACT

RELATING TO PUBLIC WORKS CONTRACTS; TO PROVIDE A SHORT TITLE; REPEALING CHAPTER 10, TITLE 44, IDAHO CODE, RELATING TO PUBLIC WORKS CONTRACTS; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 44, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE PREFERENCE FOR RESIDENT CONTRACTORS WITH LIMITATIONS, TO PROVIDE FOR DECERTIFICATION, TO PROVIDE DENIAL OF APPLICATION FOR RESIDENCY, TO PROVIDE LIMITATION ON SUBCONTRACTING BY RESIDENT CONTRACTORS, TO PROVIDE PREFERENCE FOR IDAHO LABOR AND MATERIALS IN CONTRACTS, TO PROVIDE PREFERENCE FOR IDAHO MATERIALS AND IDAHO AGRICULTURAL PRODUCTS REQUIRED IN PUBLIC PURCHASES WITH EXCEPTIONS, TO PROVIDE FOR STATEMENT OF IDAHO MATERIALS PREFERENCE IN REQUESTS FOR BIDS AND PROPOSALS, TO REQUIRE IDAHO MATERIALS PREFERENCE REQUIRED IN CONSTRUCTION OR MAINTENANCE OF PUBLIC STRUCTURES AND TO PROVIDE FOR GOVERNING OF FEDERAL FUNDS BY FEDERAL LAW; DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

S 1280

BY SCHROEDER
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE A SCHOOL AGE FOR ENGLISH LANGUAGE LEARNERS; AMENDING SECTION 33-512, IDAHO CODE, TO ALLOW SCHOOL DISTRICTS TO PROVIDE PREKINDERGARTEN COURSES FOR ENGLISH LANGUAGE LEARNERS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-1617, IDAHO CODE, TO REQUIRE THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT TO IDENTIFY ENGLISH LANGUAGE LEARNERS WITHIN THE DISTRICT AND TO AUTHORIZE USE OF DISCRETIONARY STATE MONEYS TO FUND PREKINDERGARTEN PROGRAMS FOR SUCH LEARNERS.

[S 1268](#), [S 1269](#), [S 1270](#), [S 1271](#), [S 1272](#), [S 1273](#), [S 1274](#), [S 1275](#), [S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), and [S 1280](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:01 p.m. until the hour of 11:30 a.m., Monday, January 25, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary